

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

vs.

§

Case No. 4:04cr118.8
(Judge Schneider)

TYRON SHAIN TARRANT

§

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 7, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Kevin Collins.

On November 17, 2005, Defendant was sentenced by the Honorable Michael H. Schneider to fifty (50) months' custody followed by three (3) years of supervised release for the offense of Felon in Possession. On September 10, 2008, Defendant completed his period of imprisonment and began service of his supervised term.

On December 18, 2009, the U.S. Pretrial Services Officer signed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following standard conditions: (1) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer; (2) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer; and (3) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month. The petition also alleged violations of the following special condition: the defendant

shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer. Based upon an agreement of the parties, the Government moved to dismiss two mandatory violations and one additional standard violation.

The petition alleges that Defendant committed the following acts: (1) defendant advised his probation officer that he “let a friend borrow his vehicle and his friend left a crack cocaine rock in his car;” (2) the defendant posted a \$5,000 bond and was released from the Collin County Detention Center on August 9, 2009, following his arrest on August 8, 2009. Defendant failed to notify the U.S. Probation Office of his arrest until an office visit on August 21, 2009; (3) the defendant failed to submit a random drug test on November 17, 2008, September 14, 2009, and October 1, 2009; and (4) the defendant failed to submit his written monthly report to the U.S. Probation office by the 5th of the month for June 2009.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations based upon the agreement that the Government would dismiss some of the violations and the agreement to a twenty-month sentence.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant’s supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty (20) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit. After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant also waived his right to file objections.

SIGNED this 8th day of January, 2010.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE